

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In Re:
Lisa M. Kusan, : Case No. 16-22718 JAD
Debtor : Chapter 13

Lisa M. Kusan, : Docket No. 102
Movant :

Roy Rowe, :
American InfoSource, Bridgecrest Credit Co., :
Cash Advance Now, Cenlar, DriveTime- :
McKnight, Duquesne Light Co., Great Plains :
Finance, Green Trust Cash LLC, OneMain, PA :
Dept. of Revenue, Peoples Natural Gas, Pingora :
Loan Servicing, Recovery Management Systems:
Corp., Rosebud Lending and Zoca Loans, :
Springleaf Financial Services, Synchrony Bank, :
Target Finance, eCAST Settlement, Ronda :
Winnecour, Trustee, Office of the U.S. Trustee :
Respondents :
:

**ORDER CONFIRMING CHAPTER 13 SALE OF PROPERTY
FREE AND DIVESTED OF LIENS**

AND NOW, this 29th of May, 2019, on consideration of the Debtor's Motion
for Sale of Property Free and Divested of Liens to Roy Rowe, for \$74,000.00, after hearing held in
Courtroom D, 54th Floor, 600 Grant Street, Pittsburgh, PA, this date, the Court finds:

(1) That service of the Notice of Hearing and Order setting hearing on said
Motion for private sale of real property free and divested of liens of the above-named Respondent, was
made on the following secured creditor.

DATE OF SERVICE NAME OF LIENOR AND SECURITY

April 25, 2019 **Pingora Loan Servicing, LLC**
 C/O Flagstar Bank, FSB
 PO Box 660263
 Dallas, TX 75299

April 25, 2019 **Ronda J. Winnecour**
 Suite 3250, USX Tower
 600 Grant Street
 Pittsburgh, PA 15219

(2) That sufficient general notice of said hearing and sale, together with the

confirmation hearing thereon, was given to the creditors and parties in interest by the moving party as shown by the certificate of serviced duly filed and that the named parties were duly served with the Motion.

(3) That said sale hearing was duly advertised on the Court's website pursuant to *W.PA LBR 6004-1(c)(2)* on April 25, 2019, Pittsburgh Post-Gazette on May 8, 2019 and in the Allegheny County Legal Journal on May 6, 2019, as shown by the Proof of Publications that are to be duly filed.

(4) That at the sale hearing the highest/best offer received was that of the above Buyer and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$74,000.00 was offered by Roy Rowe was a full and fair price for the property in question.

(6) That the seller's real estate agent was appointed by Court Order dated February 15, 2019 and Court Order was duly filed at docket number 88.

(7) That the Buyer has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F2d.143 (*3d Cir. 1986).

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED**, that the sale by Special Warranty deed of the real property described as 1556 Hubbard Street, Pittsburgh, PA 15212 in Allegheny County is hereby **CONFIRMED** to Roy Rowe for \$74,000.00, free and divested of the above recited liens and claims, and, that the Movant is authorized to make, execute and deliver to the Buyer above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale;

IT IS FURTHER ORDERED, that the above recited liens and claims, be, and they hereby, are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, that the within decreed sale shall be free, clear and divested of said liens and claims;

FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

- (1) The following liens(s)/claim(s) and amounts; Pingora Loan Servicing, LLC C/O Flagstar Bank, FSB in the estimated amount of \$52,185.44. The closing agent is responsible for obtaining the final pay-off from the lien holder prior to the closing date;
- (2) Delinquent real estate taxes and municipal fees, if any;
- (3) Current real estate taxes, pro-rated to the date of closing;
- (4) Normal closing costs including title search, legal fees, revenue stamps, and any other normal and necessary closing costs;

- (5) The costs of local newspaper advertising in the amount of \$299.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (6) The costs of legal journal advertising in the amount of \$194.55 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (7) The Court filing fee of \$181.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (8) The Court approved realtor commission in the amount of \$4,810.00 plus \$500.00 is payable to Manfred Fisher of Coldwell Banker Real Estate Services;
- (9) The Court approved attorney fees in the amount of \$2,875.00 payable to Steidl & Steinberg, P.C. 707 Grant Street, Gulf Tower-Suite 2830, Pittsburgh, PA 15219;
- (10) Chapter 13 Trustee "percentage fees" in the amount of \$155.73 payable to "Ronda J. Winneccour, Ch. 13 Trustee, P. O. Box 2587, Pittsburgh, PA 15230";
- (11) The Debtor's exemption pursuant to 11 U.S.C. §522(d)(1) of up to \$11,500.00 is payable to Lisa Kusan;
- (12) The "net proceeds" from the closing as identified on the HUD-1 to the Chapter 13 Trustee payable to "Ronda J. Winneccour, Ch. 13 Trustee. P. O. Box 84051, Chicago, IL 60689-4002;"

Other: R/A.

FURTHER ORDERED that:

- (1) ***Within seven (7) days of the date of this Order,*** the Movant/Plaintiff shall serve a copy of the within *Order* on each Respondent/Defendant (i.e., each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney of the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, ad file a certificate of service.
- (2) ***Closing shall occur within ninety (90) days of this Order.***
- (3) ***Within seven (7) days following closing,*** the Movant/Plaintiff shall file a ***Report of Sale*** which shall include a copy of the HUD-1 or other Settlement Statement; and,
- (4) This *Sale Confirmation Order* survives any dismissal or conversion of the within case.

FILED
5/29/19 1:22 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA


JEFFERY A. DELLER
United States Bankruptcy Judge

5-29-2019

-3-

In re:
Lisa M. Kusan
DebtorCase No. 16-22718-JAD
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: bsil
Form ID: pdf900Page 1 of 1
Total Noticed: 1

Date Rcvd: May 29, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 31, 2019.

db +Lisa M. Kusan, 1556 Hubbard Street, Pittsburgh, PA 15212-2175

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 31, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 29, 2019 at the address(es) listed below:

Alexandra Teresa Garcia on behalf of Creditor Flagstar Bank, FSB as servicer for Pingora Loan Servicing, LLC ecfmail@mwc-law.com, ecfmail@ecf.courtdrive.com
 Danielle Boyle-Ebersole on behalf of Creditor Bridgecrest Credit Company, LLC debersole@hoflawgroup.com, pfranz@hoflawgroup.com
 James Warmbrodt on behalf of Creditor Pingora Loan Servicing, LLC bkgroup@kmlawgroup.com
 Joshua I. Goldman on behalf of Creditor Pingora Loan Servicing, LLC bkgroup@kmlawgroup.com
 Kenneth Steidl on behalf of Debtor Lisa M. Kusan julie.steidl@steidl-steinberg.com, ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
 Matthew John McClelland on behalf of Creditor Pingora Loan Servicing, LLC bkgroup@kmlawgroup.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernssteinlaw.com, ckutch@ecf.courtdrive.com;acarr@bernssteinlaw.com
 Ronda J. Winnecour cmecf@chapter13trusteeewdpa.com
 S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com

TOTAL: 10